

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

|               |   |                         |
|---------------|---|-------------------------|
| KERRY CARTER, | ) |                         |
|               | ) |                         |
| Petitioner,   | ) |                         |
|               | ) |                         |
| vs.           | ) | Case No. 4:06CV1301 CDP |
|               | ) |                         |
| TROY STEELE,  | ) |                         |
|               | ) |                         |
| Respondent.   | ) |                         |

**MEMORANDUM AND ORDER**

This matter is before me on the petition of Kerry Carter for a writ of habeas corpus under 28 U.S.C. § 2254. I referred this matter to United States Magistrate Judge David D. Noce for a report and recommendation on all dispositive and non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1). On May 20, 2009, Judge Noce filed his recommendation that the petition of Mr. Carter for a writ of habeas corpus be denied. The Petitioner has not filed any objections, and his time for doing so has expired.


After careful consideration, I will adopt and sustain the thorough reasoning of Magistrate Judge Noce set forth in support of his Report and Recommendation of May 20, 2009.

Accordingly,

**IT IS HEREBY ORDERED** that the Report and Recommendation of the Magistrate Judge [# 13] be adopted in its entirety, and the petition of Kerry Carter for a writ of habeas corpus [#2] be **DISMISSED** without further proceedings.

**IT IS FURTHER ORDERED** that no certificate of appealability will be issued, as none of the grounds raised present issues on which reasonable jurists could differ.

A separate judgment will be entered this same date.

  
\_\_\_\_\_  
CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 18th day of June, 2009.